

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

B
P/S
75-2001

United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket No. 75-2001

UNITED STATES OF AMERICA,

Appellee,

—v.—

JAMES WRIGHT,

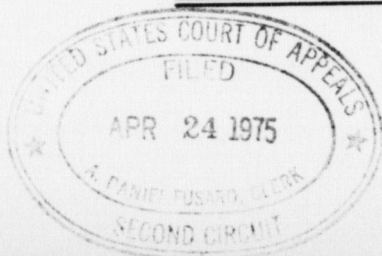
Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

APPELLANT'S APPENDIX

FISHER, ROSNER & SCRIBNER
401 Broadway
New York, New York 10013
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PAUL J. CURRAN
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Southern District of New York
Attorney for the United States
of America*



PAGINATION AS IN ORIGINAL COPY

INDEX TO APPENDIX

	PAGE
Docket Sheet	A-1
Opinion of Judge Werker in <i>Wright v. United States</i>	A-3
Opinion of Judge Huyett in <i>United States v. Lawson</i>	A-8
Affidavit of Edward W. Cassidy, dated October 8, 1974	A-13
Order, Application and Affidavits for Wiretap of September 21, 1970	A-15

A 1

CIVIL DOCKET
UNITED STATES DISTRICT COURT

JUDGE WERKER

Jury demand date:

74: 1000 4093

C. Form No. 106 Rev.

TITLE OF CASE

ATTORNEYS

JAMES WRIGHT

V

UNITED STATES OF AMERICA

For plaintiff:

James Wright

P.O. Box 1000, Lewisburg, Pa. 17837

For defendant:

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <input checked="" type="checkbox"/>	Clerk	9/20/74	J. Wright	10T-	
		9/24/74	U.S. District Court		10
J.S. 6 mailed <input checked="" type="checkbox"/>	Marshal	12/27/74	Fisher		✓
		12/27/74	Alan		
Basis of Action: Action to Vacate Sentence.	Docket fee				
	Witness fees				
Action arose at:	Depositions				

74 CIV. 4093
PRO SE

DATE

PROCEEDINGS

Date Filed or
Received

DATE	PROCEEDINGS	Date Filed or Received
5-74	Filed Motion to Vacate Sentence and Set aside Conviction	
5-74	Filed Notice of Referral	
5-74	Filed govts. memorandum of law.	
5-74	Filed govts. affdt. of Paul Vizcarrondo, Jr.	
5-74	Filed petitioner's affdt. and notice of motion to vacate sentence and set aside conviction ret. on: (date to be fixed by the court).	
5-74	Filed OPINION # 41369--The petition is denied. So ordered, Werker, J. (to pro se for notices)	
5-23-74	Filed petitioner's notice of appeal to the USCA for the 2nd Circuit from order of 10-25-74 denying his petition for a W/H/C. - copy mailed to US Attorneys office.	
08-75	Filed notice that the record on appeal has been certified and transmitted to the USCA on 1-8-75	

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT

Oct 25 12 35 PM '74

S.D. OF N.Y.

JAMES WRIGHT,

Petitioner,

- v -

UNITED STATES OF AMERICA,

Respondent.

OPINION

74 Civ. 4093 (Pro Se)

#41369

APPEARANCES:

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for the Respondent

By: PAUL VIZCARRONDO, JR.
Assistant United States Attorney
Of Counsel

MICROFILM

OCT 25 1974

JAMES WRIGHT
Pro Se
71204-153
P.O. Box 1000
Lewisburg, Pennsylvania 17837

HENRY F. WERKER, D. J.

This is an application for a writ of habeas corpus brought under Title 28, United States Code, Section 2225 and Title 28, United States Code, Section 2243. The petitioner is a prisoner at the United States Penitentiary at Lewisburg, Pennsylvania having been sentenced to two concurrent ten year sentences after trial and conviction for narcotics violations under Title 21,

United States Code, Sections 173, 174. The United States Circuit Court of Appeals for the Second Circuit affirmed petitioner's conviction (466 F.2d 1256, 2d Cir. 1972) and the Supreme Court denied his petition for a writ of certiorari (410 U.S. 916, 1973).

Petitioner asserts that under United States v. Dominic Nicholas Giordano, et al., Supreme Court Docket No. 72-1057, decided May 13, 1974 (42 U.S.L.W. 4642) he is entitled to have his conviction and sentence set aside because certain evidence was obtained by reason of an illegal wiretap and "was in fact introduced and used at the trial."

An examination of the trial record reveals no wiretap evidence was introduced at the trial.

No material issue of fact has been raised by petitioner which has any substance. The court consequently need not hold a hearing and will determine this matter solely upon the law.

Three sets of wiretap orders were issued in this case upon telephones at the residence and place of business of Eugene Lawson:

Orders of March 31, 1970, which were lawful;

Orders of April 20 and April 21, 1970, which were unlawful under Giordano;

Orders of September 21, 1970, which were lawful.

No wiretaps were placed on petitioner's phone. No conversations in which petitioner participated were intercepted under either the March 31 or the April 20 and April 21, 1970 orders. One conversation was intercepted on October 4, 1970 when petitioner called

Lawson. An examination of the affidavit of Edward W. Cassidy, a special agent for the Bureau of Narcotics and Dangerous Drugs of the United States Department of Justice formed the basis for the Honorable Mitchell H. Cohen's issuance of the September 21 order under which this single conversation was intercepted. Part of that affidavit recites information obtained by interception under the illegal orders of April 20 and April 21.

The claim of petitioner under the aegis of Giordano rests upon Part IV of Mr. Justice White's opinion, 42 U.S.L.W. 4650-51 (May 14, 1974). Petitioner argues that the derivative evidence must be suppressed because it is tainted with the illegality of the April 20 and April 21 orders. He also by implication raises the issue of the validity of the search warrant, claiming that it too is tainted by the evidence obtained as a result of those illegal wiretaps. The latter issue was answered by the Circuit Court of Appeals in its opinion at page 1259. In holding that petitioner had standing to challenge the search warrant the Court said:

"But it does not follow that appellant may go one step further back and assert Lawson's fourth amendment rights simply because information from a tap on Lawson's phone in New Jersey obtained as part of an investigation not aimed at appellant, was used to justify the warrant to search Glover's apartment."

This Court believes that the statement quoted is dispositive of one of the issues raised here. The petitioner has no standing to object to any information derived from the illegal

... April 20 and April 21 because his telephone was not
 intercepted, and he was not a participant in any conversation
 intercepted under those orders. He consequently is not an
 "aggrieved person" as defined in Title 18, United States Code,
 Section 2510(11) with respect to those orders. This definition
 is coextensive with, and was not intended to expand, traditional
 concepts of standing to object to a search and seizure in vio-
 lation of the Fourth Amendment. (See Alderman v. United States,
 394 U.S. 165, 175-76 n.9 (1969); In re Womack, 466 F.2d 555, 558
 (7th Cir. 1972); United States v. Doe, 451 F.2d 466, 468-69 (1st
 Cir. 1971); cf. United States v. Gibson, Docket No. 72-1697 (4th
 Cir. August 5, 1974); and United States v. Poeta, 455 F.2d 117,
 122 (2d Cir.), cert. denied, 406 U.S. 948 (1972)).

More difficult in the light of Giordano is the conversa-
 tion between Lawson and Wright on October 4, 1970. Although not
 used in evidence at his trial this conversation placed petitioner
 in the posture of an "aggrieved person" and consequently gives
 him standing to contest the order issued by Judge Cohen on
 September 21. This was an original order. It was not an exten-
 sion of the April orders and in that regard it is distinguishable
 from Giordano. As this Court reads Giordano the Supreme Court
 there held that if the original wiretap order fails for illegality,
 an extension, which is forbidden by the act without consideration
 of the results obtained from the original order, must also fail
 because reliance would necessarily have been placed upon those
 illegally-obtained results in granting the extension.

Here the results formed only a part of the last wiretap application. A reading of the affidavit of agent Cassidy discloses sufficient probable cause from independent and lawful sources to sustain Judge Cohen's issuance of the order without consideration of, or reliance upon, the results of the April 20 and April 21 orders. United States v. Koonce, 485 F.2d 374, 379 (8th Cir. 1973); United States v. Taggart, 460 F.2d 701, 703-704 (5th Cir. 1972); Howell v. Cupp, 427 F.2d 36, 38 (9th Cir. 1970); James v. United States, 135 U.S. App. D.C. 314, 315, 418 F.2d 1150, 1151 (1969); United States v. Sterling, 369 F.2d 799, 802 (3d Cir. 1966); Anderson v. United States, 344 F.2d 792 (10th Cir. 1965); United States v. Epstein, 240 F. Supp. 80 (S.D.N.Y. 1965). Issuance of the search warrant similarly would be sustained as resting upon sufficient probable cause from lawful sources.

The petition is consequently denied.

SO ORDERED.

Dated: New York, New York

October 24, 1974

Henry F. Coker
U. S. D. J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 71-53

VS. :

EUGENE LAWSON :
WILBERTA LAWSON :
BERNICE WILCOX :
WALTER MEADOWS :
WILLIE J. RHYNES :MEMORANDUM

HUYETT, J.

August 23, 1974

The judgments of conviction in this case were vacated by the Circuit Court on June 10, 1974, and the case was remanded to us for reconsideration in light of United States v. Giordano, ___ U.S. ___ (1974). Much of the evidence introduced at trial resulted from six orders authorizing the interception of wire communications and the use of pen registers. The orders were issued by two different judges on three separate occasions. The first set of two Orders was issued by John W. Lord, Jr. then Chief Judge of the Eastern District of Pennsylvania and by Mitchell H. Cohen then Chief Judge of the District of New Jersey on March 31, 1970. The second set was issued by the same Judges, one on April 20, 1970 and the other on April 21, 1970. The final set was issued by the same Judges on September 21, 1970. The parties are in agreement that the March and September authorizations for interception of wire communications were lawfully issued pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. §2510

et seq. (1970). It is also agreed that the April authorizations were unlawful since they contained the "Lindenbaum" defect which the Court in Giordano held required suppression pursuant to 18 U.S.C. §§2515 and 2518(10)(a)(1). The question presented is whether suppression of the communications intercepted by the September orders is required as being evidence derived from the illegal April orders.

The government does not argue that the September order approved by then Chief Judge John W. Lord, Jr. of this District Court is completely lawful. This position is undoubtedly correct. The September 21, 1970 order of Judge Lord authorized surveillance of the telephone number 215-GR-6-0520 subscribed to by a business organization known as Up-Look Records. According to Agent Cassidy's affidavit filed in support of the September 21 order approved by Judge Lord the government learned of the 215-GR-6-0520 number as a result of the surveillance conducted on April 24, 1970 which was unlawful. (Exhibits 5 at 8-9). Thus, the evidence gathered from surveillance of the 215-GR-6-0520 number resulted directly from the illegal April order.

The September 21, 1970 order issued by Judge Cohen, District of New Jersey, authorized surveillance of telephone number 215-923-5579. This number is located in New Jersey but has a Philadelphia exchange allowing for local calls in Philadelphia. The government was made aware of this number

by the telephone company the day before the April 21, 1970 order was obtained. The government argues that the communications intercepted by this order should not be suppressed since the existence of the number was not obtained as a result of unlawful surveillance and the evidence presented in the affidavit submitted to Judge Cohen in support of the September application meets the probable cause requirements of the Act when the illegally obtained material is excised from the affidavit. Reliance is placed primarily on Justice Powell's dissent in Giordano to the suppression of the evidence obtained pursuant to the extension order in that case.

The defendants argue that the September order was an extension of the April order and that evidence obtained in support of the September order was derived from the unlawful surveillance.

Giordano clearly dealt with the application of the derivative rule to an extension order. Extension orders must comply with §2518(1)(e) and (f) requiring revelation of previous surveillance and the results of such previous surveillance or a reasonable explanation for the failure to obtain results. The Court, therefore, held that the results of the initial unlawful surveillance were essential in law to any extension. An extension can only be granted upon compliance with §2518(1)(e) and (f).

The Court in Giordano also held that the results of the unlawful surveillance were essential in fact to the further application for surveillance. The Court noted that information obtained about additional persons, not named in the initial order, whose communications the government sought to intercept in the extension order resulted from the unlawful surveillance. Telephone monitoring and accompanying surveillance were necessarily intertwined. Electronic interception had been asserted by the government to be a necessary adjunct to traditional investigative techniques.

In respect to making the determination of essentiality of fact the Act applies the same standard of exclusion to evidence derived from unlawful surveillance regardless of whether the further application was for an extension or a new application. See United States v. Wac, ____ F.2d ____ (6 Cir. 1974). If the results of the unlawful surveillance were necessary or essential to the further application, the results of the further application must also be suppressed regardless of whether the further application was for a new application or was for an extension.

A review of the application filed in support of the order to intercept 215-923-5579 establishes the essentiality in fact of the unlawful April surveillance. The application states that since April of 1970 when the electronic surveillance

began the government agent had conducted extensive surveillance of Lawson and his group. This surveillance developed approximately eight more confidential informants on Lawson's operations. By utilizing leads from the electronic surveillance and tied together by additional corroborated informant information, the government had established that Lawson was part of a major narcotics network. (Exhibit 6 at 3).

The affidavit continues with numerous references to the results obtained by the unlawful April surveillance. Although the government learned of the existence of 215-923-5579 independently of the unlawful surveillance, it is clear from the affidavit in support of the September application that a good deal of information resulting from the unlawful surveillance supported the contention that the 215-923-5579 number was being used for illegal purposes. On at least four occasions specified in Agent Cassidy's affidavit the unlawful surveillance refers to arrangements for conversations over the 215-923-5579 number. (Exhibit 6 at 4-5).

Based on this information we must conclude that the results of the April 20 and 21st surveillance were essential in fact to the granting of the September surveillance order. It is, therefore, clear that any evidence obtained from the September 21st orders must also be suppressed.

Edward W. Cassidy, being duly sworn, disposes and says:

1. That he is a Special Agent of the United States Department of Justice, Drug Enforcement Administration.
2. That on October 4, 1970, I was acting in the capacity of a supervisory agent during the investigation into the heroin and cocaine trafficking conspiracy of Eugene Lawson, et al.
3. On that date, I participated in the monitoring of a court authorized wire intercept on telephone number 215-WA3-5579, listed to Eugene Lawson, 15 Yale Road, Atco, New Jersey.
4. At approximately 4:41 p.m., an incoming call was intercepted from James Wright to Eugene Lawson. The call lasted until approximately 4:52 p.m. Lawson indicated that he would send a female to Wright to pick up some heroin, "in the morning I guess".
5. After listening to the conversation again, I immediately instituted arrangements to have surveillance agents monitor continually the movements of Eugene Lawson, Wilberta Lawson, Bernice Wilcox and Katherine Mayberry until one or more of the conspirators made the move to New York City to pick up the narcotics. This necessitated an increase in the manpower all ready assigned as "response surveillance teams". At that time, there was one team in the Atco, New Jersey, area and one in the Philadelphia, Pennsylvania, area.
6. Details concerning the subsequent continuous surveillance from about 6:00 p.m. on October 4, 1970, until the arrest of Eugene Lawson at about 4:30 p.m. on October 6, 1970, is contained in the following official reports:
 1. A report of Investigation by Special Agent Edward W. Cassidy dated October 12, 1970, which details surveillance conducted in this case on October 4, 1970.

AFFIDAVIT OF EDWARD W. CASSIDY
October 8, 1974

2. A Report of Investigation by Special Agent Edward W. Cassidy dated October 12, 1970, which details surveillance conducted in this case on October 5, 1970.

3. A Report of Investigation by Special Agent Edward W. Cassidy dated October 15, 1970, which details surveillance and the arrest of Eugene Lawson on October 6, 1970.

Edward W. Cassidy

Edward W. Cassidy
Special Agent

G. Gibson Austin, Jr.

Signed and Sworn Before Me This/Date

G. GIBSON AUSTIN, JR.
Notary Public, Philadelphia, PA
My Commission Expires December 11, 1976

A 15

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Application of the United States	:	
of America in the Matter of an	:	NO.
Order Authorizing the Interception	:	
of Wire Communications	:	

ORDER

AND NOW, to wit, this 21ST day of September,
1970, it is hereby

Ordered, Adjudged, and Decreed
on application by J. Shane Creamer, an attorney with the Organized
Crime and Racketeering Section, United States Department of Justice,
that the application, letter of authorization, affidavit, and order in
the within matter be sealed and impounded and remain in the custody of
the Bureau of Narcotics and Dangerous Drugs until such time as the Court
further directs.

151 Mitchell H. Cohen
JUDGE

A 16
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Application of the United States :
of America in the Matter of an :
Order Authorizing the Use of A :
Pen Register :

O R D E R

AUTHORIZING USE OF A PEN REGISTER

TO: Special Agents of the Bureau of Narcotics and Dangerous Drugs
United States Department of Justice

Affidavit having been made before me by Edward W. Cassidy,
Special Agent of the Bureau of Narcotics and Dangerous Drugs, United
States Department of Justice, and full consideration having been given
to the matters set forth therein the court finds:

(a) there is probable cause to believe that
Eugene Lawson and others as yet unknown, have committed,
and are committing, offenses involving the receiving,
concealing, buying and selling of illegal narcotic
drugs, and the purchase, sale or dispensing of narcotic
drugs which are not in or from the original stamped package,
and the sale or exchange of narcotic drugs without written
order forms in violation, respectively, of 21 U.S.C. 174 and
26 U.S.C. 4704(a), 4705(a), and 7237(a) and (b), and a
conspiracy to violate the aforesaid offenses.

(b) there is probable cause to believe that the
telephone subscribed to by Eugene Lawson, and located at
15 Yale Road, Atco, New Jersey, and carrying the telephone
number 215-WA 3-5579, has been used, is being used, and will

continue to be used by Eugene Lawson and others as yet unknown in connection with the commission of the offenses detailed in (a) above.

WHEREFORE, it is hereby ordered that:

Special Agents of the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, are authorized to:

(a) install a mechanical device on the telephone subscribed to by Eugene Lawson, and located at 15 Yale Road, Atco, New Jersey, and carrying the telephone number 215-WA 3-5579, which will reveal the telephone numbers of all outgoing calls dialed from the above-described telephone.

(b) such mechanical device shall continue in operation until the telephone numbers of all outgoing calls dialed lead to the location and identities of Eugene Lawson's confederates, accomplices, and associates in the illegal scheme as aforesaid, or for a period of fifteen (15) days from the date of this Order, whichever is earlier.

PROVIDED THAT, this authorization to install and operate the above-described mechanical device must terminate upon attainment of the authorized objective, or, in any event, at the end of fifteen (15) days from the date of this Order.

(S) Mitchell H. Cohen
J U D G E

Sept. 21, 1970
DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Application of the United States	:	
of America in the Matter of an Order	:	NO.
Authorizing the Interception of	:	
Wire Communications	:	

ORDERAUTHORIZING INTERCEPTION OF WIRE COMMUNICATIONS

TO: Special Agents of the Bureau of Narcotics and Dangerous Drugs
United States Department of Justice

Application under oath having been made before me by the United States through its attorney, J. Shane Creamer, an attorney with the Organized Crime and Racketeering Section of the Department of Justice, and an "investigative and law enforcement officer" as defined in Section 2510(7) of Title 18, United States Code, for an Order authorizing the interception of wire communications pursuant to Section 2518 of Title 18, and full consideration having been given to the matters set forth therein, the Court finds:

(a) there is probable cause to believe that

Eugene Lawson and others as yet unknown, have committed, and are committing, offenses involving the receiving, concealing, buying and selling of illegal narcotic drugs, and the purchase, sale or dispensing of narcotic drugs which are not in or from the original stamped package, and the sale or exchange of narcotic drugs without written order forms in violation, respectively, of 21 U.S.C. 174 and 26 U.S.C. 4704(a), 4705(a), and 7237(a) and (b), and a conspiracy to violate the aforesaid offenses.

(b) there is probable cause to believe that wire communications concerning these offenses will be obtained through the interception, authorization for which is herein applied. In particular, these wire communications will be between Eugene Lawson and his suppliers concerning: (1) the date, time, place and manner in which illegal narcotic drugs will be delivered to Eugene Lawson, and (2) the price Eugene Lawson is to pay for the illegal narcotic drugs and the date, time, place and manner of payment for said drugs.

Also, these wire communications will be between Eugene Lawson and his buyers concerning: (1) the date, time, place and manner in which Eugene Lawson will deliver illegal narcotic drugs or cause illegal narcotic drugs to be delivered to his buyers, and (2) the price Eugene Lawson is to receive for the narcotic drugs, and the date, time, place, and manner of payment for said drugs.

(c) normal investigative procedures reasonably appear to be unlikely to succeed and are too dangerous to be used.

(d) there is probable cause to believe that the telephone listed in the name of Eugene Lawson, and located at 15 Yale Road, Atco, New Jersey, and carrying the telephone number 215-WA 3-5579, has been used, is being used, and will be used in connection with the commission of the offenses described above and is commonly used by Eugene Lawson and others as yet unknown.

WHEREFORE, it is hereby ordered that:

Special Agents of the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, are authorized, pursuant to application authorized by the Assistant Attorney General for the Criminal Division

of the Department of Justice, the Honorable Will Wilson, who has been specially designated in this proceeding by the Attorney General of the United States, the Honorable John N. Mitchell, to exercise the powers conferred on him by Section 2516 of Title 18, United States Code, to:

(a) intercept wire communications of Eugene

Lawson and others as yet unknown concerning the above-described offenses to and from the telephone listed in the name of Eugene Lawson, and located at 15 Yale Road, Atco, New Jersey, and carrying the telephone number 215-WA 3-5579.

(b) such interception shall not automatically terminate when the type of communication described above in paragraph (b) has first been obtained, but shall continue until communications are intercepted which reveal the details of the scheme which has been used by Eugene Lawson and others as yet unknown to receive, conceal, buy and sell illegal narcotic drugs, and the identity of his confederates, their places of operation, and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of this Order, whichever is earlier.

PROVIDING THAT, this authorization to intercept wire communications shall be executed as soon as practicable after signing of this Order and shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18 of the United States Code, and must terminate upon attainment of the authorized objective or, in any event, at the end of fifteen (15) days from the date of this Order.

PROVIDING ALSO, that J. Shane Creamer shall provide the Court with a report on the fifth and tenth days following the date of this Order showing what progress has been made toward achievement of the authorized objective and the need for continued interception.

15/ Mitchell H. Cohen
UNITED STATES DISTRICT JUDGE

Sept. 26, 1976
DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Application of the United States :
of America in the Matter of an Order : APPLICATION
Authorizing the Interception of :
Wire Communications :

J. Shane Creamer, a Departmental Attorney for the United States Department of Justice, currently assigned to the District of New Jersey, being duly sworn, states:

This sworn application is submitted in support of an Order authorizing the interception of wire communications. This application has been submitted only after lengthy discussion concerning the necessity for such an application with various officials of the Organized Crime and Racketeering Section, United States Department of Justice, Washington, D.C., together with agents of the Bureau of Narcotics and Dangerous Drugs.

1. He is an "investigative or law enforcement officer -- of the United States" within the meaning of Section 2510(7) of Title 18, United States Code -- that is, he is an attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in Section 2516 of Title 18, United States Code.

2. Pursuant to the powers conferred on him by Section 2516 of Title 18, United States Code, the Attorney General of the United States, the Honorable John N. Mitchell, has specially designated in this proceeding the Assistant Attorney General for the Criminal Division of the Department of Justice, the Honorable Will Wilson, to authorize affiant to make this application for an Order authorizing the interception of wire communications. The letter of authorization signed by the Assistant Attorney General is attached to this application as Exhibit A.

3. This application seeks authorization to intercept wire communications of Eugene Lawson and others as yet unknown, concerning offenses enumerated in Section 2516 of Title 18, United States Code -- that is, offenses involving the receiving, concealing, buying and selling of illegal narcotic drugs and the purchase, sale or dispensing of narcotic drugs which are not in or from the original stamped package, and the sale or exchange of narcotic drugs without written order forms in violation, respectively, of Title 21, United States Code, Section 174 and Title 26, United States Code, Sections 4704(a), 4705(a), 7237(a) and (b), and a conspiracy to violate the aforesaid offenses, which have been committed and are being committed by Eugene Lawson and others as yet unknown.

4. He has discussed all the circumstances of these offenses with Special Agent Edward W. Cassidy of the Philadelphia Office of the Bureau of Narcotics and Dangerous Drugs, who has conducted the investigation herein, and has examined the affidavit of Special Agent Edward W. Cassidy (attached to this application as Exhibit B and incorporated by reference herein) and the affidavits of Special Agent William J. Collins of the Philadelphia Office of the Bureau of Narcotics and Dangerous Drugs (attached to this application as Exhibits C and D, and incorporated by reference herein) which allege the facts therein in order to show that:

(a) there is probable cause to believe that Eugene Lawson and others as yet unknown, have committed, and are committing, offenses involving the receiving, concealing, buying and selling of illegal narcotic drugs, and the purchase, sale or dispensing of narcotic drugs which are not in or from the original stamped package, and the sale or exchange of narcotic drugs without written order forms in violation, respectively, of Title 21, United States Code, Section 174, and Title 26, United States Code, Sections 4704(a), 4705(a) and (b), and a conspiracy to violate the aforesaid offenses.

(b) there is probable cause to believe that wire communications concerning these offenses will be obtained through the interception, authorization for which is herein applied. In particular, these wirecommunications will be between Eugene Lawson and his suppliers concerning: (1) the date, time, place and manner in which illegal narcotic drugs will be delivered to Eugene Lawson, and (2) the price Eugene Lawson is to pay for the illegal narcotic drugs and the date, time, place and manner of payment for said drugs.

Also, these wirecommunications will be between Eugene Lawson and his buyers concerning: (1) the date, time, place and manner in which Eugene Lawson will deliver illegal narcotic drugs or cause illegal narcotic drugs to be delivered to his buyers, and (2) the price Eugene Lawson is to receive for the narcotic drugs, and the date, time, place and manner of payment for said drugs.

(c) normal investigative procedures reasonably appear to be unlikely to succeed and are too dangerous to be used.

(d) there is probable cause to believe that the telephone listed in the name of Eugene Lawson and located at 15 Yale Road, Atco, New Jersey, and carrying the telephone number 215-WA 3-5579, has been used, is being used, and will continue to be used in connection with the commission of the offenses described above and is commonly used by Eugene Lawson and others as yet unknown.

5. On March 31, 1970, application was made by Robert C. Ozer, a Departmental Attorney for the United States Department of Justice, before United States District Court Judge Mitchell H. Cohen of the District of New Jersey for authorization to intercept wire communications from telephone facility 609-767-8521, subscribed to by, and installed in the residence of Eugene Lawson, 15 Yale Road, Atco, New Jersey, in connection with this same investigation. As a result, on March 31, 1970, an Order was issued by Judge Cohen authorizing interception of wire communications to and from that telephone facility for a period of twenty (20) days to expire April 19, 1970, and on April 21, 1970, an extension to that Order was issued by Judge Cohen. In addition, application was made by Robert C. Ozer on March 31, 1970, before United States District Court Judge John W. Lord, Jr., of the Eastern District of Pennsylvania for authorization to intercept wire communications from telephone facility 215-747-8140, subscribed to by, and installed in the premises of Up-Look Records, 651 South 52nd Street, Philadelphia, Pennsylvania, in connection with this same investigation. As a result, on March 31, 1970, an Order was issued by Judge Lord authorizing interception of wire communications to and from that telephone facility for a period of twenty (20) days to expire on April 19, 1970, and on April 20, 1970, an extension to that Order was issued by Judge Lord. No previous application has been made to any judge for authorization to intercept or for approval of interception of wire communications to and from telephone number 215-WA 3-5579, located at premises 15 Yale Road, Atco, New Jersey, the residence of Eugene Lawson. In addition, application is being made contemporaneously before the United States District Court for the Eastern District of Pennsylvania for an additional Order similar to that for which application is made herein, relating to telephone facility bearing the number 215-GR 6-0520, subscribed to by Up-Look Records, and located at 651 South 52nd Street, Philadelphia, Pennsylvania, and located within the jurisdiction of that Court.

WHEREFORE, your affiant believes that probable cause exists to believe that Eugene Lawson and others as yet unknown are engaged in the commission of the above-described offenses, and that they have used and are using the telephone listed in the name of Eugene Lawson, and located at 15 Yale Road, Atco, New Jersey, and bearing the telephone number 215-WA 3-5579, in connection with the commission of these offenses; that communications concerning these offenses will be intercepted to and from these telephones; and that normal investigative procedures reasonably appear to be unlikely to succeed and are too dangerous to be used.

On the basis of the allegations contained in this application and on the basis of the affidavit attached, affiant herewith requests this Court to issue an order, pursuant to the power conferred on it by Section 2518 of Title 18, United States Code, authorizing the Bureau of Narcotics and Dangerous Drugs of the United States Department of Justice to intercept wire communications to and from the above-described telephone until communications are intercepted which reveal the details of the scheme which has been used by Eugene Lawson and others as yet unknown to receive, conceal, buy and sell illegal narcotic drugs, and the identity of his confederates, their places of operation, and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the date of that Order, whichever is earlier.

151
 J. SHANE CREAMER, Special Attorney
 Organized Crime and Racketeering Section
 United States Department of Justice

Sworn and Subscribed to before me
 this 21st day of September,
 1970, at Camden, New Jersey.

151 Mitchell H. Cohen
 United States District Judge

Department of Justice

Washington 20530

SEP 15 1970

Mr. J. Shane Creamer
Attorney in Charge
Philadelphia Strike Force
Philadelphia, Pennsylvania

Dear Mr. Creamer:

This is with regard to your request for authorization to make application pursuant to the provisions of Section 2518 of Title 18, United States Code, for an order of the court authorizing the Bureau of Narcotics and Dangerous Drugs to intercept wire communications to and from the telephone listed in the name of Eugene Lawson and bearing the number 215-WA. 3-5579, located at 15 Yale Road, Atco, New Jersey, in connection with the investigation into possible violations of 21 U.S.C. 174, 26 U.S.C. 4704(a), 4705(a) and 7237(a) and (b) by Eugene Lawson and others as yet unknown.

I have reviewed your request and the facts and circumstances detailed therein and have determined that probable cause exists to believe that Eugene Lawson and others as yet unknown have committed and are committing offenses enumerated in Section 2516 of Title 18, United States Code, to wit: violations of 21 U.S.C. 174, 26 U.S.C. 4704(a), 4705(a), and 7237(a) and (b). I have further determined that there exists probable cause to believe that the above-named person will make use of the above-described telephone in connection with those offenses, that wire communications concerning those offenses will be intercepted, and that normal investigative procedures reasonably appear to be unlikely to succeed and are too dangerous to be used.

Accordingly, you are hereby authorized under the power specially delegated to me in this proceeding by the Attorney General of the United States, the Honorable John N. Mitchell, pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, to make application to a judge of competent jurisdiction for an order pursuant to Section 2518 of Title 18, United States Code, authorizing the Bureau of Narcotics and Dangerous Drugs to intercept wire communications from the telephone described above, for a period of fifteen (15) days.

Sincerely,

Will Wilson

WILL WILSON
Assistant Attorney General

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE:

Application of the United States
of America in the Matter of an
Order Authorizing the Use of a
Wiretap

:
:
:
: MISC. NO. _____
:
:

A F F I D A V I T

UNITED STATES OF AMERICA
DISTRICT OF NEW JERSEY

:
: SS:
:

Edward W. Cassidy, Special Agent, Bureau of Narcotics and Dangerous
drugs (BNDD), being duly sworn, deposes and states:

I am a Special Agent of the Bureau of Narcotics and Dangerous Drugs
and have been so employed for three years. I have been previously employed as
a Federal Treasury Agent and have a total of eight (8) years experience in
investigating criminal matters.

Since August of 1969, I have been engaged in conducting an investi-
gation which has continued to the present time. Based upon the results of this
investigation, I have probable cause to believe that Eugene Lawson, and other
persons, are presently receiving, concealing, buying, selling and facilitating
the transportation, concealment, and sale of narcotic drugs contrary to law and
are conspiring to commit the aforesaid actions in violation of Title 21, United
States Code, Section 174.

I have further probable cause to believe that Eugene Lawson, and other
persons, are now engaged in the purchase, sale, dispensing, and distribution of
narcotic drugs, except in or from the original stamped package, and/or without
proper order forms having been filed in violation of Title 26, United States
Code, Sections 4704(a) and 4705(a), and 7237(a) and (b).

I have further probable cause to believe that Eugene Lawson, Bernice
Wilcox, and other persons have been and are presently using certain telephone
communication facilities described herein and that there is probable cause to
believe that evidence concerning the above offenses will be obtained through
interception of communications to and from the telephone facilities described
herein.

The initial results of my investigation and the investigation by other
agents of the BNDD in this case has been reported in affidavits of William J.

Collins, S/A BNDD of March 31, 1970 and April 21, 1970, copies of which are attached hereto as Exhibits B and C, and incorporated herein by reference.

PART 1

This investigation centered last Spring (1970) on toll call analysis of a telephone at Eugene Lawson's home in New Jersey (609-767-8521) and of telephones at his business, Up-Look Records in Philadelphia (215-747-8140 and 215-747-8141). At that time the tolls on these three phones as well as an additional phone used by Lawson's girlfriend and assistant, Bernice Wilcox (215-476-2667), showed that major narcotics traffickers were being contacted by telephone in Boston, Massachusetts, New York City, New York, Baltimore, Maryland, Atlanta, Georgia and Philadelphia, Pennsylvania. (See original affidavit of Agent William J. Collins Exhibit C)

During March and April of 1970, U.S. District Court Judges in Philadelphia and New Jersey authorized BNDD Agents to intercept conversations on his home telephones as well as his two telephones at Up-Look Records. The results of this Court approved electronic interception of Lawson's phones revealed:

- (1) that telephone conversations were being used by Lawson and others to further narcotics traffic activity (see infra.)
- (2) that the narcotics Lawson and his group are involved in selling are heroin and cocaine.
- (3) that Lawson on the advice of his lawyer, has switched his operation to prevent toll call records from showing whom he is contacting. Interception of Lawson's conversation with a "Howard" later identified as a Philadelphia lawyer Howard L. Criden on May 1, 1970 (date of interception) showed a discussion of a long distance call that Lawson was going to make.

HOWARD: Right. Ah don't call it...where (HOWARD stuttering) can put it on a credit card or something.

LAWSON: I can bill it to another number.

HOWARD: OK. Bill it to another number because I don't want it traced to your number.

LAWSON: Right.

- (4) that Lawson has private, unlisted telephones at both his home and at Up-Look Records that BNDD Agents were unaware of the existence of one of these telephones even after requesting checks of

- (5) that Lawson uses these private, unlisted telephones for promoting his narcotic traffic.

Since April of 1970, Agents of BNDD have conducted extensive surveillances of Lawson's group and have been able to develop approximately eight more confidential informants on Lawson's operations. By utilizing leads from the electronic surveillance, followed by surveillance and tied together by additional corroborated informant information, BNDD have now established (see infra diagram) that:

- (1) Lawson is in contact with major out-of-state narcotics traffickers,
- (2) Lawson deals with major local narcotics traffickers from Philadelphia (see diagram - Regan - Harris - Howerton, etc.),
- (3) Lawson's associate and suspected chief is Major Ben Coxson who is also in contact with a major trafficker in North Philadelphia (Cole - see diagram),
- (4) the Coxson - Lawson association is part of a continuing on-going narcotic trafficking group utilizing the private phones at Lawson's home and Up-Look Records.

PART II

1. Electronic Surveillance

Electronic surveillance pursuant to Court Orders on phones utilized by Eugene Lawson at his residence and place of business during the month of April 1970 has definitely confirmed Lawson's involvement in narcotics traffic.

1) On April 27, 1970, at 7:20 p.m., Lawson spoke to an individual named Chips at telephone number PO 5-9882 at Philadelphia, Pennsylvania. Lawson said he wanted to meet with Chips and was told by Chips they could meet on Columbia Avenue, Philadelphia, Pennsylvania while Chips was making his rounds. Bell Telephone Company of Pennsylvania records show that this number is listed to Chips One-Hour Cleaners, 1900 Columbia Avenue, Philadelphia, Pennsylvania. This establishment is owned by Donald Lee Howerton, aka Chips, who has recently been reported by several reliable confidential informants of the Bureau of Narcotics and Dangerous Drugs (BNDD) to be an important narcotics trafficker in the North Philadelphia area. Investigation by BNDD has corroborated this informant information.

2) On April 22, 1970, Lawson called telephone number 305-696-7084 from his residence telephone, 609-767-8521, and billed the call to telephone number 212-765-3350. In a conversation with Johnny Johnson, Lawson told Johnson that George "had copped a piece out there" and managed to bring it back with him in Lawson's car. Copped a piece is common vernacular for buying an ounce of heroin.

3) On April 26, 1970, Lawson called 301-669-0044 from 609-767-8521 and billed the call to 212-765-3350. Lawson spoke with Ceil and wanted to speak with Wes. Ceil told Lawson Wes was not there and Lawson requested her to have Wes call him back at 215-923-5579. Wes is James Wescott, a major narcotics trafficker in the Baltimore, Maryland area, and Ceil is Wes' girlfriend, Lucille Logan.

4) On April 30, 1970, Lawson called 212-666-5855 from 609-767-8521. Call is not listed on toll records. Lawson asked for "Jimmy" and "Mickey" told him "Jimmy" was not there. Lawson told "Mickey" he wanted a small thing of girl untouched (uncut cocaine) and my regular. Lawson said he was sending a woman other than Bernice to pick up the order. Lawson asked Mickey to have "Jimmy" call him back at 215-923-5579. New York Telephone Co. records show a call from 212-666-5855 to 215-923-5579 on May 1, 1970.

On April 30, 1970, Eugene Lawson called Bernice Wilcox at 513-771-0600 Room 42, from 609-767-8521 and billed the call to 212-765-3350. Lawson told Wilcox he sent someone to get the thing for "Bubba".

On May 1, 1970, Wilberta Lawson called Eugene Lawson from New York City. Lawson told her that when she got to Philadelphia she should keep the little one and give the other to "Bubba". Lawson told her "Bubba" would be expecting her.

5) During the electronic surveillance of Lawson's record company phone, 215-747-8140, both Lawson and his secretary have advised certain callers to call back on the private line. Due to erroneous information received from the Bell Telephone Company, this number was believed to be 215-747-8141. A few days before the termination of the electronic surveillance, Lawson gave his Philadelphia private number to a Washington disc jockey. This number is a non-published number GR 6-0520, listed to Up-Look Records.

6) On April 12, 1970, Eugene Lawson called Wilberta Lawson at 609-767-8521. Eugene asked Wilberta if "Bubba" had called. When told no, Eugene said "Bubba" had to make a quick run. Eugene told Wilberta that his "money was funny" and that

On April 14, 1970, Wilberta Lawson called Eugene Lawson in New York City at 212-581-7000 from 609-767-8521. During the call, Eugene told Wilberta he was still waiting to hear from "Mickey" and "Jimmy" and on another call on April 15, 1970 Eugene told Wilberta that he didn't get the thing from "Jimmy".

7) On April 30, 1970, "Bubba" called Eugene Lawson at 609-767-8521 and discussed a debt of \$1,780.00 owed Lawson by "Bubba".

On April 30, 1970, Wilberta Lawson called Eugene Lawson at 609-767-8521. Eugene told Wilberta to stop at Margaret's and "Bubba" will give you a duece.

8) On April 30, 1970, Major Coxson called Lawson at 609-767-8521 and requested Lawson's direct private line and stated he would call Lawson right back at 215-923-5579.

2. Surveillance

On the evening of April 27, 1970, following a conversation between Eugene Lawson and Donald Lee Howerton, aka Chips, BNDD Agents observed Lawson's vehicle, a 1970 Cadillac, parked near 15th and Columbia Avenue where he was supposed to meet Chips.

During the evening and early morning hours of April 30, 1970 - May 1, 1970, Wilberta Lawson, while under surveillance by BNDD Agents, was followed from New York City to Philadelphia by bus, from 13th and Arch Streets to the 30th Street Penn Central Railroad Station by cab, then by passenger car to 1917 Moore Street, and to her residence at Atco, New Jersey.

Between June 11, 1970 and June 26, 1970, a 24-hour surveillance was conducted on the premises at 1917 Moore Street, Philadelphia, Pennsylvania by Special Agents of the BNDD. During this period, several people, all later identified as lower echelon narcotic traffickers were observed and photographed at the premises.

On June 25, 1970, Bernice Wilcox, girlfriend of Eugene Lawson, was observed to stop briefly at 1917 Moore Street.

3. Information

During April 1970, information was received from a confidential informant whose information has been corroborated by independent investigation concerning an alleged narcotics smuggling and trafficking ring centered in Philadelphia. This ring is alleged to be headed by Major Coxson and Marvin "Babe" Chivian, both of Philadelphia, and Ronald Morganstern of Scranton, Pennsylvania. Other Philadel-

Stancill (courier), Jesse Cunningham, Bobby Mitchell, Orlando Hart, and Count Kelly, all runners. This ring has been operating since 1966, according to the informant. The informant did not name Lawson as being associated with these people; however, the wire interception disclosed Lawson to be in frequent contact with Coxsom. Investigation has corroborated much of this information.

The informant stated that during January, 1969 he saw a bimonthly shipment of four kilos of pure heroin being divided by several members of this group.

On May 15, 1970, information was received from another source whose information was corroborated by independent investigation, stated that Major Coxsom was the biggest weight dealer in narcotics in Philadelphia. Further examination of this source's information has been curtailed due to his being treated at Lexington, Kentucky.

During July 1970, photographs taken at 1917 Moore Street were shown to two reliable confidential informants. These informants collectively identified the occupant of the house as "Bubba" Harris, a heroin and cocaine dealer in South Philadelphia. One informant has made purchases during May, 1970 directly from Harris. The reliability of these informants is based on the fact that both have given reliable information for more than two years that has resulted in the arrest of five (5) or more people for narcotic violations.

The informants also identified James A. Lacey, aka Steep, James Simmons, and Isabell Ellis as narcotics dealers active in South Philadelphia. One individual photographed is identified as Archur Hopkins, who was arrested in 1968 for sale of heroin to an undercover agent of the BNDD. On May 27, 1970, information was received by Agents of the BNDD Pittsburgh Office from a reliable confidential informant whose reliability is based on the fact that she has given information in the past that has led to two narcotic arrests, states that the source of supply for narcotics for the Kelly Davis group in Pittsburgh is a person known as "Big Jimmy" in New York City, New York. The informant stated that "Big Jimmy" could be reached at telephone number 212-666-5855, the same number Lawson had called on April 30, 1970.

On July 8, 1970, a confidential informant, whose reliability is based on corroboration by independent investigation, advised that Major Coxsom was observed during June 1970 in the company of Reggie Cole. The informant stated that Reggie Cole is the most important narcotics dealer in the 11th and Wallace Streets area of Philadelphia. This area is the most important distribution point of narcotics

in Eastern Pennsylvania. The informant also stated that Cole has recently been frequenting Coxson's Center City night club. At the present time, the BNDD has made two separate purchases of heroin from Reggie Cole on February 11 and 12, 1970, for a price totaling \$1440.00. Cole is presently incarcerated under \$250,000 bail awaiting trial on these charges.

During the first week of July 1970, an officer of the Philadelphia Police Department advised an Agent of the BNDD that Ed Fortune was living heavily in narcotics in the South Street area of Philadelphia. Surveillance and wire interception have established that Fortune and his neighbors and close associates.

On August 25, 1970, another informant who is reliable because his narcotic information has recently been corroborated as very accurate, told me he has heard from other narcotic peddlers in Philadelphia that "Pablo" from 17th and South, is a big weight dealer operating at the present time in that area.

On August 25, 1970, a second informant who is reliable (he set up some buys of narcotics for BNDD agents in Philadelphia within the last month) told me that some Philadelphia narcotics peddlers told him that at the present time a Marvin, from 52nd and Baltimore Avenue, is involved in narcotics with Major Coxson - that Marvin drives a tan Rolls Royce with a phone in it.

A third informant who is reliable (he also arranged some recent narcotic buys in the Philadelphia area for BNDD) told me on August 27, 1970, that he has been told recently by a number of local narcotics peddlers that a white man (who answers Chivian's description) is presently supplying the 52nd Street narcotics dealers with heroin.

On August 28, 1970, a fourth informant, who is especially reliable since his information has resulted in two heroin seizures in Philadelphia within the last two months, told me that he was in Sonny Devan's bar at 56th and Orange on August 27, 1970, and met with five heroin street dealers and one major dance dealer. The narcotics dealers told this informant that "Gene Lawson was handling brown heroin at this time." The dealers identified by the informant were Clarence Gardner, Bobby Smith, Gene Marchman, Jesse Smith, and John Doe, also known as "Pony." According to BNDD records, the first

four are, in fact, narcotics dealers in the Philadelphia area. Bobby Smith is a major heroin wholesaler. A check of the Philadelphia BNDD files confirmed that these individuals are involved in the distribution of heroin and other narcotic drugs.

BNDD Agents arrested a Philadelphia heroin dealer on August 19, 1970, from whom they had previously - earlier in August - purchased brown heroin. This was the only brown heroin found by BNDD Agents in Philadelphia. This dealer, after his arrest, said that Charles Matthews or "Heads" was supplying him. (See above for Matthews' connections with Lawson.)

For example, Philadelphia Bureau of Narcotics and Dangerous Drugs records revealed that a reliable informant recently indicated that "Pony" works for Buddy Gardner because the informant overheard Gardner say so. In 1963, when Buddy Gardner was in jail, he admitted dealing in narcotics to United States narcotics officers. The Georgia Office of the Bureau of Narcotics and Dangerous Drugs has indicated Gardner is a heroin dealer who makes frequent trips to Atlanta.

Another reliable informer told Bureau of Narcotics and Dangerous Drugs Agents within the last two weeks that Eugene Marchman is "FooFoo" Regan's nephew and is presently working in Gardner's heroin dealings. (The informant heard Gardner say this.)

According to two reliable informants who provided information recently to the Bureau of Narcotics and Dangerous Drugs in Philadelphia, Jesse Smith is selling heroin in Philadelphia - 15 to 20 bundles a day - through some young men known as "The New Breed." According to one of these informants, Jesse Smith has recently been involved in meets with Lawson. According to this informant, he saw Lawson in a green and white Cadillac on Sunday, August 30, 1970, with an attache case filled with brown heroin. Lawson was meeting with some other men and money was exchanged.

4. Investigation

The records of the New Jersey Bell Telephone Company show 609-854-0262 to be a non-published phone listed to Eugene Lawson at #1 Mac Arthur Boulevard, Haddon Township, New Jersey.

Analysis of telephone toll charges for this facility disclosed that telephone number 212-666-5855, listed to Delores Glover in New York City, New York was called on February 20, February 22 and March 29, 1970. This New York number is the same one that Lawson called on April 30, 1970, when ordering a supply of narcotics. Further toll call analysis pertaining to this facility disclosed that at the time of the February 20 and 22, 1970 calls, each was immediately preceded by call to New York City telephone number 212-666-7854, which is listed to John V. Tatum, whose narcotic activities and association with Lawson is detailed in affidavits dated March 31 and April 21, 1970. (Exhibits C and B.) There are also calls on May 17, 1970, and May 28, 1970, to 212-364-3886, a number utilized by Tatum.

Records of the Pennsylvania Bell Telephone Company show 215-747-8140 listed to Up-Look Record Company at 651 South 52nd Street, Philadelphia, Pennsylvania. Available toll records from February 25, 1970, to May 16, 1970, show a call on March 11, 1970, to 212-666-5855, a New York number utilized by Tatum and answered by "Mickey" and "Jimmy." There is also a call on March 28, 1970, to 212-666-5855. Finally, on May 15, 1970, there is a call to 212-364-3886, a New York City number previously described.

The records of the Pennsylvania Bell Telephone Company show GR 6-0520 to be a non-published number listed to Up-Look Record Company in Philadelphia.

Available toll records from March to April 24, 1970, show two calls on April 8, 1970, and one call on March 11, 1970, to 212-666-5855, a New York City number previously described.

Electronic surveillance on phones listed to the residence of Eugene Lawson and his business show Lawson has billed numerous long distance calls to a New York City number, 212-765-3350. This number is listed to Golden Records, N.Y.C., N.Y. and at the present time, toll records have been unavailable.

PART III

1. Telephone Facilities Bearing Telephone Numbers 215-747-8140 and 215-747-8141

Records of the Pennsylvania Bell Telephone Company have disclosed to your affiant that both of the above numbers are subscribed to and installed in the Up-Look Record, Inc. premises, 651 South 52nd Street, Philadelphia, Pennsylvania. On April 20, 1970, U.S. District Court Judge John W. Lord, Jr., of the Eastern District of Pennsylvania issued a fifteen-day order authorizing Special Agents of the Bureau of Narcotics and Dangerous Drugs to intercept telephone communications to and from telephone facilities bearing the numbers 215-747-8140 and 215-747-8141. No difficulties were encountered with respect to telephone facility bearing the number 215-747-8140 and audible intercepts by BNDD Special Agents were obtained beginning at 11:22 p.m. on April 20, 1970. However, because of technical difficulties and the unavailability of telephone terminal pairs, an attempt to intercept communications to and from telephone facility bearing the number 215-747-8141 was not accomplished until April 29, 1970. This attempt was unsuccessful for unknown reasons; either the equipment was faulty or wrong information and service was furnished by the telephone company.

In addition, there were a number of occasions when Lawson and his secretary (Catherine Mayberry) again cautioned various callers to call back on the "private line" at the Up-Look Record, Inc. premises. Your affiant had previously received information on four separate occasions from the Bell Telephone Company that the only other non-public telephone of record at these premises was 215-767-8141. It was for this reason that your affiant was led to believe that this facility was the "private line" referred to by Lawson and his secretary, and application for intercept of communications to and from this facility was made. On April 24, 1970, a communication to telephone facility

bearing telephone number 609-767-8521 was intercepted, during which Lawson gave the caller his private number in Philadelphia, Pennsylvania as GR 6-0520. A further check of the Bell Telephone Company records disclosed that the latter number is a non-published telephone subscribed to and installed on March 5, 1970 at the Up-Look Record premises. This number did not appear on the Bell Telephone Company's schematic plan, and thus prior requests to Bell Telephone Company representatives for all telephone numbers at the Up-Look Record premises did not disclose its existence.

An analysis of Bell Telephone Company records listing toll calls made from this private line (GR 6-0520) show that on March 11, 1970, a call was made to telephone number 212-666-5855 in New York City, New York. This number is listed to Delores Glover, 146 West 120th Street, Apartment 5, New York City, New York. This same number was called by Lawson on April 30, 1970, from telephone facility 609-767-8521 at which time he placed an order for narcotics, with a woman whom he addressed as "Mickey". Further details pertaining to this transaction are included under Section 2 of this affidavit.

The toll calls pertaining to this "private line" also list two calls placed to Glover's number in New York City (212-666-5855) on April 8, 1970, at 8:13 p.m. and 9:55 p.m. These two calls were made during the time that the intercept was in effect upon telephone facility 215-747-8140, at the Up-Look Record premises. The intercept log records show that between 4:50 p.m. and 9:00 p.m. on April 8, 1970, Lawson made or received nineteen calls over telephone facility 215-747-8140 and that he was the only person to make or receive any calls. The 8:13 p.m. call to Glover on the "private line" is bracketed by calls made to Lawson on the 215-747-8140 line at 8:00 p.m. and 8:21 p.m. The log intercept records also show that at 11:33 p.m. someone attempted to call telephone facility 215-747-8140, but received no answer, indicating that Lawson left the premises sometime between 9:00 p.m. and 11:33 p.m. on April 8, 1970.

2. Telephone Facilities Bearing Telephone Numbers 609-767-8521 and 215-925-4752

The records of the Bell Telephone Company have disclosed to your affiant that both of these numbers are unlisted but subscribed to by and installed at the residence of Eugene Lawson, 15 Yale Road, Atco, New Jersey.

On April 21, 1970, U.S. District Judge Michell Cohen, of the New Jersey Judicial District, issued a 15-day Order authorizing Special Agents of the Bureau of Narcotics and Dangerous Drugs to intercept telephone communications to and

from telephone facilities bearing the numbers 609-767-8521 and 215-925-4752.

609-767-8521

Interception of communications to and from telephone facility 609-767-8521 was begun at approximately 11:19 a.m. on April 21, 1970. Intercept of communications to and from this facility regarding the first intercept order signed on March 31, 1970, commenced at 11:30 p.m. on April 8, 1970.

215-925-4752

The records of the Bell Telephone reveal that this telephone facility was installed in Lawson's residence at 15 Yale Road, Atco, New Jersey, on March 5, 1970. On April 21 and 22, 1970, your affiant conferred with representatives of the Bell Telephone Company concerning necessary arrangements to effect the court order intercept upon this telephone installation. I learned from Bell Telephone authorities that on April 20, 1970, this number which is a non-published foreign exchange telephone line was changed to a new number listed as 215-923-5579. The foreign exchange line although physically located in New Jersey permits Lawson to make and receive telephone calls in Philadelphia, Pennsylvania area without telephone toll charges being incurred.

The change of the above telephone from 215-925-4752 to 215-923-5579 on the day before the court order was signed precluded efforts to conduct electronic surveillance upon this line.

3. Collateral Information

The following data relates to telephone toll and subscriber information, and to reports received from several confidential sources, that Eugene Lawson and other named individuals in New York City, New York, Philadelphia, Pennsylvania are engaged in a widespread interstate narcotic trafficking conspiracy. It is your affiant's belief that the named individuals and other unknown persons are related and acting in consort in perpetuating this continuing conspiracy.

Affidavit of March 31, 1970, by Special Agent William J. Collins, BNDD, contains information relating to John Tatum, who is the subject of a current investigation being conducted by the New York City Narcotic Task Force. This enforcement group is composed of BNDD Special Agents and New York City Police Officers; its objective is aimed at the suppression of illicit narcotic traffickers, many of whom are engaged in interstate narcotic activities.

During March 1970, Special Agent Frank J. Panessa, BNDD, obtained telephone toll records from the New York Telephone Company, pertaining to

two non-published telephones listed to John Tatum. Toll call records of these telephones (212-666-7854 and 212-368-9321) from September, 1969 to February 1970 show frequent calls to Philadelphia, Pennsylvania numbers 215-747-8140, 215-476-9712 and 215-476-2667. These numbers are or had been listed to Up-Look Records, Inc. and Bernice Wilcox respectively.

Telephone number 412-243-5138 in Pittsburgh, Pennsylvania is also listed on toll charges relating to Tatum's telephones. Bell Telephone Company records disclose that this number is listed to Henry Williams, 1071 Silverdale Street, Pittsburgh, Pennsylvania. Recent reports received by BNDD Special Agents indicate that Williams and his associates Kelly Davis @Tee; Leroy James Gray; and Willie Henderson, pool their money and purchase narcotics in 1/8 kilogram lots in New York City, at least once or twice a week.

As previously indicated, Bernice Wilcox, whose association with Lawson is detailed in affidavits of Special Agent William J. Collins, BNDD dated March 31 and April 20, 1970, moved in February, 1970 from 5117 Willows Avenue, Philadelphia, Pennsylvania to #1 Mac Arthur Boulevard, Haddon Township, New Jersey. This address is the site of a high rise apartment complex known as Haddon View Apartments. A lease agreement is on file dated 1/27/70 in the Haddon View Apartment office for the rental of Apartment 812 between Bernice and Eugene Lawson, and the Haddon View Apartment Corporation. The New Jersey Bell Telephone Company records show that on February 17, 1970, a non-published telephone facility bearing the number 609-854-0262 was installed in this apartment under the name of E. Lawson.

PART IV

Reason for the necessity of electronic surveillance are as follows:

1. From the inception of this investigation to the present time numerous contacts with informants and other sources of information have been unsuccessful in attempting an undercover penetration directed at Lawson and his associates. It is your affiant's belief that Lawson's position in this narcotic conspiracy is in a higher echelon strata, and that knowledge of his narcotic activities is limited to a small, select and trusted group. For this reason any successful undercover penetration would necessarily have to derive from one of the members of this group.
2. Surveillance activities conducted in this case have established and confirmed relationships between some of the individuals involved. As recently

as June 25, 1970, Bernice Wilcox was seen to enter the premises located at 1917 Moore Street, Philadelphia, Pennsylvania, where Wilberta Lawson was followed in the early morning hours of May 1, 1970, after apparently obtaining a narcotic supply in New York City. This site is a suspected narcotic adulteration site utilized by Lawson's associates. However, the surveillance conducted has not provided sufficiently precise details of additional narcotic transactions, nor are they conducive to provide the necessary evidence to prove the suspected narcotic conspiracy violation. It is your affiant's belief that only by monitoring telephonic communication between Lawson and his associates, which are presently occurring, will the necessary evidence be obtained concerning this violation. The investigation has identified one of Lawson's source of narcotic supply, and the above mentioned storage and/or adulteration site. However, the individuals active with Lawson in the higher echelon organizational structure have not been sufficiently implicated, nor have a sufficient number of Lawson's pushers and customers been identified and located. Likewise, no certain determinations have been made to provide the basis for search and seizure warrants relating to individuals communicating with Lawson to arrange for purchases of narcotics, and for distribution of narcotics from other probable narcotic caches.

3. Your affiant has been heretofore authorized to intercept telephone communications from two telephones at Lawson's residence and from two telephones at Lawson's business location. However, because of technical difficulties, and a change in telephone number prior to signing of the court order, your affiant had been able only to intercept communications from one-telephone facility at each location. Communications intercepted from these two telephones together with toll call analysis from the private line at the business location, indicate to your affiant that the private lines at each location are, without doubt, being used to arrange for illegal narcotic transactions.

Lawson, his wife, his secretary and other associates have demonstrated extreme caution concerning the use of the telephones from which intercepted communications have been obtained. On a number of occasions callers have been instructed to call on the "private lines". For the above reasons your affiant has been unable to ascertain the necessary particulars relating to the regularly occurring narcotic transactions involving Lawson and his associates.

PART V

1. No other persons to my knowledge, have made application for author-

ization to intercept wire or oral communications from any of the above described telephone facilities, except for applications made by Robert C. Ozer, Special Attorney, U.S. Department of Justice and Special Agent William J. Collins on March 31 and April 20, 1970 before U.S. District Court Judge John W. Lord, Jr. of the Eastern District of Pennsylvania; and on March 31 and April 21, 1970 before U.S. District Court Judge Mitchell H. Cohen of the District of New Jersey, which applications resulted in the issuance of the orders described herein.

The above orders issued by Judge Lord and Judge Cohen on March 31, 1970 were for a twenty day period, expiring April 19, 1970. The order signed by Judge Lord on April 20, 1970 was for a fifteen day period expiring May 4, 1970. The order issued by Judge Cohen on April 21, 1970 was also for a fifteen day period, expiring on May 5, 1970.

The court orders applied to telephone facilities 215-747-8140 and 215-747-8141 in Philadelphia, Pennsylvania; and to telephone facilities 609-767-8521 and 215-925-4752 in Atco, New Jersey.

2. Based upon the above, I have probable cause to believe that Eugene Lawson, Berice Wilcox and other persons, known and unknown, are now engaged in a conspiracy involving transportation, concealment, buying and selling of narcotics at the premises cited in this affidavit. I have further probable cause to believe that the above offenses are now being committed and that communications concerning the offenses are being and will be made over telephone facilities as enumerated in this affidavit.

3. In my judgment, based on analysis of toll calls, telephone facilities now installed in the Up-Look Record premises, 651 South 52nd Street, Philadelphia, Pennsylvania, bearing telephone number 215-476-0520 within the Eastern District of Pennsylvania, and in the Eugene Lawson premises, 15 Yale Road, Atco, New Jersey, bearing telephone number 215-923-5579 within the District of New Jersey, are being most frequently used in the commission and continuance of the above offenses, and that they are therefore the most advantageous from which to gather evidence

concerning these offenses.

61
EDWARD W. CASSIDY
Special Agent
Bureau of Narcotics and Dangerous Drugs
U. S. Department of Justice

Sworn and subscribed to before me
this 21st day of September;
1970, at London, N.J.
151 Dickson H. Cohen

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE:

Application of the United States
of America in the Matter of an
Order Authorizing the Use of a
Wiretap

MISC. NO. _____

A F F I D A V I T

UNITED STATES OF AMERICA
DISTRICT OF NEW JERSEY

SS:

William J. Collins, Special Agent, Bureau of Narcotics and Dangerous
Drugs (ENDD), being duly sworn, deposes and states:

I am a Special Agent of the Bureau of Narcotics and Dangerous
Drugs and have been so employed for a year and a half. I have been pre-
viously employed as a Federal Treasury Agent and have a total of fifteen
(15) years experience in investigating criminal matters.

Since August of 1969, I have been engaged in conducting an in-
vestigation which has continued to the present time. Based upon the results
of this investigation, I have probable cause to believe that Eugene Lawson,
and other persons, are presently receiving, concealing, buying, selling and
facilitating the transportation, concealment, and sale of narcotic drugs
contrary to law and are conspiring to commit the aforesaid actions in viola-
tion of Title 21, United States Code, Section 174.

I have further probable cause to believe that Eugene Lawson, and
other persons, are now engaged in the purchase, sale, dispensing, and dis-
tribution of narcotic drugs, except in or from the original stamped package,
and/or without proper order forms having been filed in violation of Title
26, United States Code, Sections 4704(a) and 4705(a), and 7237(a) and (b).

I have further probable cause to believe that Eugene Lawson, Ber-
nice Wilcox, and other persons have been and are presently using certain tele-
phone communication facilities described herein and that there is probable
cause to believe that evidence concerning the above offenses will be obtained
through interception of communications to and from the telephone facilities
described herein.

The initial results of my investigation and the information of other agents of the FIBD in this case has been reported in my affidavit of March 31, 1970, a copy of which is attached hereto as Exhibit C and incorporated herein by reference.

1. Telephone Facilities Bearing Telephone Numbers 215-747-8140 and 215-747-3541

The records of the Bell Telephone Company have disclosed to your affiant that both of these numbers are unlisted but subscribed to by and installed in the premises of Up-Look Records, Inc., 651 South 52nd Street, Philadelphia, Pennsylvania.

On March 31, 1970, U. S. District Court Judge John W. Lord, Jr., of the Eastern District of Pennsylvania, issued an Order authorizing Special Agents of the Bureau of Narcotics and Dangerous Drugs to intercept telephone communications to and from telephone facilities being the number 215-747-8140. Immediately upon issuance of the aforesaid Order, special agents of the Bureau of Narcotics and Dangerous Drugs, under the direct supervision of your affiant, began efforts to execute the Order. Due to technical difficulties, however, intelligible interception of communications to and from that telephone facility was not begun until approximately 11:13 p.m. on April 7, 1970.

On April 9, 1970, from 2:36 p.m. to 2:38 p.m., a male identified only as "Ron" called Lawson at Up-Look records and asked Lawson where he could buy some heroin. Lawson told Ron that Charles Mathis (referred to as "Heads" and described on pages 6, 7, and 8 of my affidavit of March 31, 1970) had some heroin, but would not sell it to Ron. Lawson then gave Ron the name of a different individual who would sell heroin to Ron.

On April 13, 1970, from 10:20 to 10:24 a.m., an unknown male called Up-Look and spoke to an employee named Catherine. The male inquired generally of Catherine what she was doing. Catherine said that there was a bag of heroin presently at the Up-Look premises. She further stated that it was a "big" bag. He inquired as to price and Catherine said that she did not have that information.

On April 13, 1970, from 11:57 a.m. to 12:02 p.m., an unidentified male called Catherine and Catherine told him that she presently had some heroin at the Up-Look premises. The male gave Catherine a telephone number where she could get some methamphetamine-hydrochloride, a dangerous drug under federal law, known commonly as "speed" and referred to commonly in slang as "monster."

Your affiant has noted that on numerous occasions both Lawson and Catherine have been very apprehensive and cautious about speaking over the telephone about narcotics transactions. Both have often told callers that they will return calls on the "private line". Your affiant has ascertained from the records of the Bell Telephone Company that the only other non-public telephone installed upon the premises of Up-Look Records, Inc., is the telephone facility bearing the number 215-747-8141. Your affiant therefore believes that this telephone facility is the "private line" to which Lawson and Catherine frequently refer.

2. Telephone Facilities Bearing Telephone Numbers 609-767-8521 and 215-WA 5-4752

Records of the Bell Telephone Company of New Jersey and of the Bell Telephone Company of Pennsylvania have disclosed that telephone numbers 609-767-8521 and 215-WA 5-4752 are non-published numbers subscribed to by and installed in the private residence of Eugene Lawson, at 15 Yale Road, Atco, New Jersey. The telephone facility 609-767-8521 is a regular New Jersey installation. The telephone facility 215-WA 5-4752 is a special installation bearing a Philadelphia area code and dial-exchange designation. Although the telephone service relating to the telephone facility 215-WA 5-4752 is installed in Lawson's home in Atco, New Jersey, calls are able to be made to that telephone by any other ordinary Philadelphia telephone, or from that telephone to any other ordinary Philadelphia telephone, without incurring additional telephone charges or creating telephone toll call records.

On March 31, 1970, U. S. District Court Judge Mitchell H. Cohen issued an Order authorizing the interception of telephonic communication to or from telephone facilities bearing the number 609-767-8521, by special agents of the ENDD. Although special agents of the ENDD, under the direct supervision of your affiant, immediately upon the issuance of the aforesaid Order began efforts to execute the Order, technical difficulties prevented actual interception until approximately 11:30 p.m., April 8, 1970.

On April 11, 1970, between 12:57 p.m. and 1:25 p.m., Lawson telephoned a male identified only as "John." They discussed a mutual acquaintance, Gordon Williams (referred to on page 11 of my affidavit of March 31, 1970), and John mentioned that he (John) previously purchased 300 bags of heroin from Williams.

Lawson replied by commenting that one should deal in quantity and by further commenting that Gordon Williams had previously tried to "fool" Lawson in connection with a narcotics transaction.

On April 13, 1970, from 10:25 to 10:31 a.m., an unidentified male, believed by your affiant to be the same male who had talked to Lawson from 2:36 to 2:38 p.m. on April 9, 1970, in Philadelphia over the Up-Look telephone, called Lawson at Lawson's home, and told Lawson that he had been able to buy heroin more conveniently from someone other than the person to whom Lawson had referred him.

On April 14, 1970, from 3:54 to 4:06 p.m., Lawson called his wife at home. Lawson said he was calling from New York City. In slang terms, readily understandable to your affiant, Lawson asked his wife if she had gone to pick up some heroin, and she told him that she had not been able to go to Philadelphia because of the heavy rain.

Contacts with reliable informants and other sources of information have failed in attempts to effect an undercover penetration directed at Lawson and his associates. These contacts have included liaison with the Philadelphia Police Narcotic Unit and other enforcement agencies in attempts to utilize informants available to them. Although some of the informants have not been questioned directly concerning Lawson, they have been asked about narcotic activity in the West Philadelphia area where Lawson formerly resided and is now apparently active.

Although considerable investigative activities, including surveillance, have been conducted in this case to date, and have successfully confirmed information furnished by informants, as well as establishing a relationship between individuals, these activities are not conducive to securing the necessary evidence to prove this suspected narcotics conspiracy violation, since the precise nature and particulars of the illegal narcotics transactions which we have probable cause to believe are regularly occurring can be ascertained and presented as evidence only by the monitoring and reproduction of the telephonic communications by which these narcotics transactions are primarily conducted.

Although the investigation so far has demonstrated the possession of heroin by Lawson at his business address, the investigation has not yet identified the sources of Lawson's supply of narcotics,

nor has it sufficiently identified any individuals who call Lawson to arrange for the purchase of narcotics to enable your affiant to obtain search and seizure warrants for the location of Lawson's source of supply, or to enable your affiant to obtain arrest warrants for Lawson's suppliers or customers.

Because your affiant has been heretofore authorized to intercept communications from only one telephone at Lawson's home and one telephone at Lawson's business address, although there are two private telephone lines at each location, your affiant has been unable to intercept any communications over the facilities for which authority to intercept was neither requested nor granted previously. The pattern of telephone activity disclosed by the investigation so far, however, indicates to your affiant that both private lines at each location are used for the purpose of arranging for illegal narcotics transactions.

Because Lawson, his wife and his associates have demonstrated an extremely cautious and apprehensive use of the telephone, your affiant has not yet been able, during the relatively short period of actual interception, to ascertain the particulars of the narcotics transaction in which Lawson regularly engages, and has not yet been able to ascertain the identities of many individuals with whom Lawson engages in illegal narcotics transactions.

I have not, nor has anyone to my knowledge, made any application for authorization to intercept wire or oral communications from any of the above-described telephone facilities or premises in this investigation, except for the applications which were made by Robert C. Ozer, Special Attorney, U. S. Department of Justice, and your affiant on March 31, 1970, before U. S. District Court Judge John W. Lord, Jr., of the Eastern District of Pennsylvania, and U. S. District Court Judge Mitchell H. Cohen of the District of New Jersey, which applications resulted in the issuance of the Orders described herein. Both of the Orders previously issued by Judge Lord and Judge Cohen, respectively, were issued on March 31, 1970, for a period of 20 days, to expire on April 19, 1970. In addition, application is being made contemporaneously before the United States District Court for the Eastern District of Pennsylvania for an additional Order, similar to that for which application is made herein, relating to telephone facilities 215-747-8140, and 215-747-8141, subscribed to by Up-Look Records, Inc., and located within the jurisdiction of that Court.

I have probable cause to believe that Eugene Lawson, Bernice Wilson and other persons, known and unknown, are now engaged in a conspiracy involving transportation, concealment, buying and selling of narcotics at the premises cited in this affidavit. I have further probable cause to believe that the above offenses are now being committed and that communications concerning the offenses are being and will be made over telephone facilities as enumerated in this affidavit.

In my judgment, based upon the investigation set forth in this affidavit and in my affidavit of March 31, 1970, telephone facilities now installed in the Up-Look Record premises, 651 South 52nd Street, Philadelphia, Pennsylvania, bearing telephone number 215-747-8140 and 215-747-8141, within the Eastern District of Pennsylvania, and in the Eugene Lawson premises, 15 Yale Road, Atco, New Jersey, bearing telephone number 609-767-8521 and 215-WA 5-4752, within the District of New Jersey, are being most frequently used in the commission and continuance of the above offenses, and that they are therefore the most advantageous facilities from which to gather evidence concerning these offenses.

WILLIAM J. GORMAN
Special Agent
Bureau of Narcotics and Dangerous Drugs
U. S. Department of Justice

Sworn and subscribed to before me
this _____ day of _____,
1970, at _____.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE:

Application of the United States
of America in the Matter of an
Order Authorizing the Use of a
Wiretap

MISC. NO. _____

AFFIDAVIT

UNITED STATES OF AMERICA

DISTRICT OF NEW JERSEY

SS:

William J. Collins, Special Agent, Bureau of Narcotics and
Dangerous Drugs (BNDD), being duly sworn, deposes and states:

I am a Special Agent of the Bureau of Narcotics and Dangerous
Drugs and have been so employed for a year and a half. I have been pre-
viously employed as a Federal Treasury Agent and have a total of fifteen
(15) years experience in investigating criminal matters.

Since August of 1969, I have been engaged in conducting an
investigation which has continued to the present time. Based upon the
results of this investigation, I have probable cause to believe that
Eugene Lawson, and other persons are presently receiving, concealing,
buying, selling and facilitating the transportation, concealment, and sale
of narcotic drugs contrary to law and are conspiring to commit the aforesaid
actions in violation of Title 21, United States Code, Section 174.

I have further probable cause to believe that Eugene Lawson,
and other persons are now engaged in the purchase, sale, dispensing, and
distribution of narcotic drugs, except in or from the original stamped
package, and/or without proper order forms having been filed in violation
of Title 26, United States Code, Sections 4704(a) and 4705(a), and 7237 (a)
and (b).

EXHIBIT "D"

I have further probable cause to believe that Eugene Lawson, Jimmie Wilcox, and other persons have been and are presently using certain telephone communication facilities described herein and that there is probable cause to believe that evidence concerning the above offenses will be obtained through interception of communications to and from the telephone facilities described herein.

DESCRIPTION OF TELEPHONE FACILITIES AND USE THEREOF
BY SUBJECTS IN THIS INVESTIGATION

1. Telephone facility number 609-767-8521

Records of the Bell Telephone Company of New Jersey show that telephone number 609-767-8521 is a non-published number listed to and installed at the residence of Eugene Lawson, 15 Yale Road, Atco, New Jersey. This telephone facility will hereinafter be referred to as the Lawson telephone. Service at this telephone was instituted during July 1969.

Lawson has a past criminal record that includes arrests for robbery, assault and battery, and gambling. An investigation of Lawson conducted by the Federal Bureau of Investigation disclosed that he has been suspected of bank robbery conspiracy, and that in 1962 Lawson was employed as a hair processor in Philadelphia, Pennsylvania. Preliminary investigation conducted by the Internal Revenue Service indicates that Lawson has not filed any income tax returns. At the present time Lawson owns a 1970 Cadillac sedan, Pennsylvania License GL 7. Prior to the purchase of this vehicle on August 29, 1969, Lawson owned a 1969 Cadillac convertible bearing the same license number. Lawson's 1970 Cadillac contains a mobile phone unit (703-245-7230) which records of the Chesapeake and Potomac Telephone Company show is listed in the name of Jimmie's Pool Parlor in Newport News, Virginia. The owner of this poolroom is James Watts, who has a past criminal record for liquor law violations.

Lawson's residence at 15 Yale Road, Atco, New Jersey, appears to have an approximate value of \$22,000 to \$25,000. Philadelphia Police

Department records show that Lawson at one time resided at 819 South 19th Street, Philadelphia, Pennsylvania.

2. Telephone Facility Number 215-476-2667

Records of the Bell Telephone Company of Pennsylvania show that telephone number 215-476-2667 is a non-published number installed at and listed to the residence of Bernice Wilcox, 5117 Willows Avenue (second floor), Philadelphia, Pennsylvania. This telephone facility will hereinafter be referred to as the Wilcox telephone. The telephone service at this number was instituted during December 1969. Prior to that time, telephone number 215-476-9712 was installed at and listed to Bernice Wilcox at the same address.

Bernice Wilcox's current employment is unknown, and she has no known criminal record. Wilcox is a Negro female, approximately 28 years of age, and has been observed on many occasions emerging from the 5117 Willows Avenue address and has been seen driving a late model Jaguar sedan, Pennsylvania license number 59B 317. These observations have been made by INDD Agents. Pennsylvania Motor Vehicle Department records show that this number is listed to Marie Williams at 817 South 19th Street, Philadelphia, Pennsylvania. This woman has been observed driving the Cadillac convertible previously described as belonging to Eugene Lawson. Both Lawson and Wilcox have been observed by Agents of the Bureau of Narcotics and Dangerous Drugs entering and leaving the Wilcox premises located at 5117 Willows Avenue, Philadelphia, Pennsylvania. They have also both been seen at the past and present sites of the Up-Look Record business premises described below. In addition, Lawson's Cadillac and the Jaguar driven by Wilcox, have been seen on many occasions parked in front of the 5117 Willows Avenue address in Philadelphia, Pennsylvania, and at the Up-Look Record premises. The period of observation, as above, is August 1969 through March 11, 1970.

3. Telephone numbers 215-747-8140 and 215-747-8141

Records of the Bell Telephone Company of Pennsylvania show that these lines are located and installed at the premises of Up-Look Records, 651 South 52nd Street, Philadelphia, Pennsylvania. These telephone facilities will hereinafter be referred to as the Up-Look telephones. This

property is located on the Northeast corner of 52nd Street and Catherine Street, Philadelphia, Pennsylvania, and is owned by Lawson. The property was purchased by him in October 1969. The Up-Look Record premises is a storefront business facility; its ostensible business purpose is devoted fifty per cent to record studio activities and fifty per cent as agent for recording artists. Lawson is listed on Pennsylvania State Department, Bureau of Corporation records as the principal officer of Up-Look Records, Inc. His wife, Wilbertha, is also listed as an officer. These records show that both Lawson and his wife list their home address as 819 South 49th Street, Philadelphia, Pennsylvania. The only observable business activity noted at the present Up-Look Record site consists of sporadic rehearsals by "soul" musical groups. No other business activity has been seen, except that individuals frequently visit the premises, entering and leaving by the side door office entrance.

Intensive surveillance conducted at the Up-Look Record sites on a periodic basis has been ill-suited to significantly further this investigation, since the operation, as set forth herein, has been carried on primarily by means of telephonic communications.

Telephone numbers 215-747-8140 and 215-747-8141 were previously listed to Wayne Ward Records, 5707 Hoffman Avenue, Philadelphia, Pennsylvania. Wayne Ward Records was an apparent predecessor firm of Up-Look Records and was managed by Lawson from a row house residence at the above Hoffman Street address. As previously mentioned, Lawson and Wilcox were observed on many occasions at both sites stated above.

INFORMANT INFORMATION AND BACKGROUND

Confidential Informant A

In January 1969, one Samuel Thomas was arrested in Boston, Massachusetts, and charged with possession of 1,075 bags of heroin. Thomas is known to the Boston, Massachusetts, Police Narcotic Unit as "Smubby Sam," and has been long believed by members of that Unit to be the largest supplier of heroin in their area. Thomas is the subject of past and current investigations conducted by the Bureau of Narcotics and Dangerous Drugs in

the New England area. Thomas has an extensive criminal record, including larceny, armed robbery, and at least three narcotic arrests. A confidential informant who has previously provided reliable information to the INDD has informed agents of the INDD that prior to his January, 1969, arrest and continuing to sometime in mid-1969, Thomas resided at the apartment of one Beatrice Delcath, 19 Curren Street, Apartment 2-C, Dorchester, Mass., and had access to the telephone listed to Delcath at that address, 617-825-9017. From about September 1969 and continuing to February 1970, Thomas is reported by Bureau of Narcotics and Dangerous Drugs Agents in Boston, Massachusetts, to be residing at 474 Blue Hill Avenue, Roxbury, Massachusetts. He is further reported to utilize telephone number 617-442-8780, listed to John Jefferson, 472 Blue Hill Avenue, Roxbury, Massachusetts. An undercover agent of the INDD has called Thomas at this telephone number, 617-442-8780, and arranged with Thomas over that telephone to buy heroin from Thomas. In connection with these telephonic communications, the aforesaid undercover agent did purchase heroin from Thomas on three occasions. On November 13, 1969, the agent purchased 1.675 grams of heroin for \$150.00, which heroin has been found to be 90.2% pure. On November 20, 1969, the agent purchased 1.667 grams of heroin for \$135.00, which heroin has been found to be 87.3% pure. On January 19, 1970, the agent purchased 12.978 grams of heroin for \$125.00, which heroin was found to be 20.7% pure. This undercover agent is personally engaged in narcotics traffic presently with Thomas and Thomas' associates, and is thereby personally aware that Thomas is presently engaged in narcotics traffic.

As a result of his January 1969, arrest, Thomas was convicted in Suffolk County (Massachusetts) Court sometime in May 1969. Confidential Informant A reported to Bureau of Narcotics and Dangerous Drugs Special Agent Peter F. Cruden following Thomas' conviction that he learned from personal conversation with Thomas that Thomas intended to appeal the conviction and funds to finance the appeal would be furnished by Thomas' boss in Philadelphia.

On June 2, 1969, Confidential Informant A reported that Thomas had told him that a money order had been forwarded to Thomas from Philadelphia, Pennsylvania, and that this was the money coming from his boss in Philadelphia to finance the appeal.

CORROBORATION OF INFORMATION
FURNISHED BY CONFIDENTIAL INFORMANT A

I have received copies of the Western Union Telegraph Company records which show that on June 2, 1969, a \$1,000 money order was sent to Samuel Thomas in Boston, Massachusetts. Western Union Records also show that the money order was sent by one Mary Wilson with a listed address of 814 or 819 South 49th Street, Philadelphia, Pennsylvania, and that she gave 476-9712 as her telephone number. Eight-nineteen (819) South 49th Street, Philadelphia, Pennsylvania, is an address used by Lawson and 476-9712 is the listed number of Bernice Wilcox described above.

I have also examined copies of records of the Bell Telephone Company of Pennsylvania, which show that on February 14, March 5, May 25,

and June 2, 1969, telephone calls were made from the Wilcox telephone in Philadelphia, Pennsylvania, to the DeLoatch telephone, utilized by Thomas in Dorchester, Massachusetts.

In addition, on May 28, 1969, there is a toll call listed on the Wilcox telephone to Thomas' attorney in Boston, Massachusetts.

Confidential Informant B

On March 10, 1970, Special Agents Edward Cassidy and Peter Grant reported to me that they had been informed by Confidential Informant B that one Charles Mathis, 2551 West Cumberland Street, Philadelphia, Pennsylvania, was engaged in sale of heroin from his residence. Confidential Informant B also said that during September and October 1969 he was at Mathis' residence when Mathis received telephone calls from individuals ordering heroin. Confidential Informant B further related that he was present not only when heroin sales were being arranged but had also purchased heroin from Mathis at the Cumberland Street address often, arranging such purchases by calling Mathis at telephone number 215-221-5314.

Confidential Informant B is a known heroin addict and a small scale narcotic dealer in Philadelphia, Pennsylvania. He has been observed by Bureau of Narcotics and Dangerous Drugs Special Agents at the Mathis premises described above during January 1970. Confidential Informant B reported that he was unable to ascertain Mathis' source of heroin supply. The informant further stated that since late January 1970 Mathis has begun to distrust him and would therefore now be unresponsive to any further inquiry concerning his source of supply.

Reliable Informant C

On March 4, 1970, agents of the Bureau of Narcotics and Dangerous Drugs were informed by Reliable Informant C who had previously furnished information and services resulting in the arrest and successful prosecution of eleven (11) persons for sales of narcotics, that Charles Mathis, also known as "Heads", who is personally known to Informant C, has, since September 1969, become a larger scale narcotic dealer in the North Philadelphia area.

This informant further stated that Mathis has at least four (4) narcotic dealers who work for Mathis. This informant also said that he does not know Mathis' source of supply, or any individuals of a higher echelon organization above Mathis.

Reliable Informant C further said that he knows Lawson and heard in the past that Lawson handled cocaine. The informant could not furnish any specific information concerning Lawson's activities or associates because his information concerning Lawson related to the summer of 1969. This informant did not mention any association between Lawson and Mathis and said he did not know Lawson's source of supply. This informant cannot be utilized at the present time for assistance in undercover operations, since he is presently participating in a program under the Narcotic Addict Rehabilitation Act, and is therefore presently separated from active dealings with members of the narcotics community.

CORROBORATION OF INFORMATION FURNISHED
BY CONFIDENTIAL INFORMANT B
AND RELIABLE INFORMANT C

I have examined copies of records of the Philadelphia Police Department relating to Charles Mathis. These records show seventeen (17) arrests, including six (6) for narcotic violations.

On October 16, 1969, Mathis was arrested by Philadelphia County Detectives and charged with illegal possession of methamphetamine. Final disposition of this case is still pending. Mathis was also arrested on November 10, 1969, by Officers of the Philadelphia Police Highway Patrol. At the time of this arrest, the officers seized a quantity of heroin from Mathis together with implements and materials used for cutting heroin. During January 1970, ENDD Special Agents observed Mathis driving a red and black Ford Thunderbird, New Jersey license RWU-368. The registration records of the New Jersey Motor Vehicle Department show that this vehicle is registered to Up-Look Records, Inc., 15 Yale Road, Ateco, New Jersey. This fact establishes a relationship between Lawson and Mathis which is further supported in an analysis of telephone toll calls listed below.

ANALYSIS OF TELEPHONE CALL RECORDS

I have examined copies of the records of the Bell Telephone Company of New Jersey pertaining to telephone number 609-767-8921 (the Lawson telephone) for the period July 28, 1969, to February 19, 1970, as follows:

1. These records show ten calls during the month of August 1969 to telephone numbers 215-468-2248 and 215-469-5709. These telephones are listed to Steven Vento, a known major South Philadelphia narcotics trafficker who has been arrested twice, in 1967 and 1968, for possession of narcotics. On August 28, 1969, Vento was imprisoned on a counterfeiting charge. There are no listed toll calls to these telephones after Vento was imprisoned. Special Agent Edward Cassidy has advised your affiant that in September of 1969 he was informed by "Big Butch" Bartholetti, who has been previously arrested for narcotics offenses, of the identity of the successor to Vento's narcotics business. This information was confirmed by the arrest of Vento's successor.

2. Between August 6 and January 21, 1970, there are twenty-three (23) toll calls on the Lawson telephone to telephone number 215-221-5314. This telephone number is listed to James W. Mathis, 2551 West Cumberland Street, Philadelphia, Pennsylvania, and is reportedly used by Charles Mathis, also known as "Heads," to arrange narcotic transactions. I have also examined copies of Bell Telephone Company of Pennsylvania records relating to the toll calls made from James W. Mathis' telephone (215-221-5314) for the period June 1 to November 30, 1969. These records show that on November 26, 1969, a call was made to the Lawson telephone in Atco, New Jersey. These records also show that on June 11, 1969, a call was made from New York City to the Up-Look Record telephone in Philadelphia, Pennsylvania, and charged to Mathis' telephone.

3. Between August 11, 1969, and January 27, 1970, there are twelve (12) calls on the Lawson telephone to telephone number 212-364-3886, listed to Gloria Edwards in New York City, New York. Edwards is a known narcotic trafficker who has been the subject of previous investigations conducted by the Bureau of Narcotics. In 1964, Edwards was sentenced to serve five years in prison for federal narcotic violations.

4. On August 13, 1969, there was a telephone toll call from the Lawson telephone to Philadelphia, Pennsylvania, number 215-336-4666. This telephone was reported to me by Special Agent Cassidy as being utilized by "Big Dutch" Bartholetti, a street peddler for Steven Vento, mentioned above.

5. On August 1, 1969, there was a call on the Lawson telephone to Philadelphia, Pennsylvania, number 215-945-0557, listed to one Thornton Fitzgerald. Fitzgerald can be identified through Philadelphia Police photograph 215 470. His criminal record includes ten (10) narcotics arrests.

6. Between October 24, 1969, and November 23, 1969, there are three (3) calls listed on the Lawson telephone to Roxbury, Massachusetts, number 617-442-8780. This number is reportedly utilized by Samuel Thomas, mentioned above.

7. Between July 28, 1969, and February 16, 1970, there are 161 calls listed on the Lawson telephone made to the Wilcox telephones in Philadelphia, Pennsylvania. This further supports the relationship between Lawson and Wilcox.

8. On September 29, 1969, there is a toll call on the Lawson telephone to New York City number 212-666-7854. This is a non-published phone listed to John Tatum, 1809 Seventh Avenue, Apartment 50, New York, New York. Tatum is currently a subject of investigation by the New York Task Force on Narcotics (File #CT 70-0005) and is considered a significant trafficker. This investigation has confirmed an association between Tatum and Thomas in Boston, Massachusetts.

ANALYSIS OF TELEPHONE TOLL CALLS FROM THE WILCOX PHONES

I have examined copies of the records of the Bell Telephone Company of Pennsylvania pertaining to telephone numbers 215-476-9712 and 215-476-2667 (Wilcox phones) for the period November 17, 1969, to January 11, 1970.

1. Under the section of this affidavit "Corroboration of Confidential Informant A," calls to Thomas and Thomas' attorney are set forth. In addition, on November 1 and 26, 1969, there are toll calls (one each day) to telephone number 617-442-8780 in Roxbury, Massachusetts. This telephone, as mentioned above, is utilized by Samuel Thomas.

2. On May 11, 1969, a telephone call was made from New York City, New York, to Philadelphia, Pennsylvania, number 215-334-6270, and charged to the Wilcox telephone. Telephone number 215-334-6270 is listed to Rosalie Di Cicco, the former wife of Steven Vento, referred to above.

3. There are a total of seven (7) calls from the Wilcox telephone between March 20 and August 29, 1969, to New York City telephone numbers 212-864-0151 and 212-864-8500. Both of these telephones are listed to the Goodie Drug Store, also known as Bishop's Pharmacy. This firm is a known supplier of Marmitol, a heroin cutting material, to narcotic traffickers.

4. There are two calls both made on May 11, 1969, to New York City telephone number 212-587-0571, listed to William Bateman, Jr. Bateman is a former New York City Policeman who was arrested by New York City Police on September 27, 1969, for possession of heroin. He is also the subject of two investigations conducted by the Bureau of Narcotics and Dangerous Drugs.

5. On April 24, 1969, there is a call from the Wilcox telephone to New York City number 212-861-1417, listed to Anthony Adams. Adams was the subject of Bureau of Narcotics Case file NYB-10989. He was arrested in 1962 for sale of heroin.

6. There are a total of twelve (12) calls on the Wilcox telephone between March 13, 1969, and January 9, 1970, to New York telephones 212-364-4904 and 212-364-3886, the telephones of Gloria Edwards referred to above.

7. From July 29, 1969, to January 11, 1970, there are 255 calls charged to the Wilcox telephone made to Lawson's telephone in Ateo, New Jersey. This also supports the relationship between Wilcox and Lawson.

8. There is a total of 38 calls on the Wilcox telephone to New York City number 212-666-7854 between April 27, 1969, and December 20, 1969. This is a non-published phone listed to John Tatum, 1809 Seventh Avenue, Apartment 50, New York, New York. Tatum was arrested on May 24, 1969, by the New York City Police and found to be in possession at that time of more than one ounce of heroin. On March 20, 1970, Tatum was arrested by agents of the BNDD at 18 - 15 235th Street, Cambria Heights, New York, with his wife Patricia. Tatum was found to be in possession of 1.5 kilograms of heroin, a

volume which, in the experience of your agent and other agents of the BNDD is normally found in the possession of only extremely large narcotics traffickers. Tatum is currently a subject of investigation by the New York Task Force on Narcotics (File Number CT 70-0005) and is considered a significant interstate trafficker.

ANALYSIS OF UP-LOOK RECORD TELEPHONE POLE CALLS

I have examined copies of records of the Bell Telephone Company of Pennsylvania relating to telephone numbers 215-747-8140 and 215-747-8141, listed to Up-Look Records, 692 South 52nd Street, Philadelphia, Pennsylvania, for the period February 25, 1969, to January 24, 1970. My examination has revealed the following:

1. There are a number of telephone calls made to the Up-Look telephones from telephone number 617-825-9017 in Dorchester, Mass. This number is previously referred to as being used by Samuel Thomas. In addition, between March 21 and December 21, 1969, there are a total of eight (8) calls made from the Up-Look telephones to telephone numbers 617-825-9017 and 617-442-0780 previously described as being utilized by Samuel Thomas.
2. There are two calls on the Up-Look telephones dated March 28, 1969, and May 31, 1969, to the Goodie Drug Store, also known as Bishop's Pharmacy, in New York City, which is also referred to above.
3. There are four (4) calls on the Up-Look telephones between April 15 and June 10, 1969, to telephone number 404-344-8698 listed to Katherine Williams in Atlanta, Georgia. Katherine Williams is the wife of Gordon Williams, a major narcotics violator active in Atlanta, Georgia. Gordon Williams was arrested on narcotics charges in 1968. A confidential informant who has previously provided reliable information to the BNDD has informed agents of the BNDD that Williams is personally acquainted with this informant and that this informant has purchased cocaine from Williams. Another informant, who has previously furnished reliable information to the BNDD has informed agents of the BNDD that he purchased cocaine from Williams during March 1970.
4. There are nineteen (19) calls on the Up-Look telephones between March 10, 1969, and January 24, 1970, to New York telephone numbers 212-364-4904

and 212-364-3236, which are the telephones of Gloria Edwards referred to above.

5. There is one (1) call on March 24, 1969, from the Up-Look telephone to New York telephone number 212-861-9306, listed to Juanita Turner. Juanita Turner is the girlfriend of Randolph Turner, Bureau of Narcotics National List Violator #403.

6. On October 25 and 27, 1969, and December 31, 1969, records show one (1) call each day from the Up-Look Record telephone to Dorchester, Massachusetts, telephone number 617-436-4178. This is a non-published number listed to Sam I. Allen, who is considered by Boston, Massachusetts, Bureau of Narcotics and Dangerous Drugs Special Agents as a major cocaine trafficker in that area.

7. On June 11, 1969, there was one call made from Baltimore, Maryland, to Philadelphia number 215-469-5709, which was billed to the Up-Look Record telephone. Telephone number 215-469-5709 is listed and utilized by Steven Vento described above.

8. On June 12, 1969, there is one call made from Washington, D. C., to Philadelphia number 215-469-5709, which was also billed to the Up-Look telephone. As mentioned above, 215-469-5709 is listed to Steven Vento previously described in this affidavit.

9. There is a total of 19 calls on the Up-Look Record telephones to New York City number 212-666-7854, between May 6, 1969, and November 6, 1969. This is a non-published phone listed to John Tatum, 1809 Seventh Avenue, Apartment 50, New York, New York. Tatum is currently a subject of investigation by the New York Task Force on Narcotics (File Number CT 70-0009) and is considered a significant trafficker.

It has been noted by your affiant that the information found in the records of the Bell Telephone Company, as set forth herein, has formed a regular and constant pattern of telephonic communication between known and suspected narcotics violators during the periods represented by the records. The Wilcox telephone, Up-Look telephones, and Lawson telephone have been significantly and primarily involved in this pattern. The Bell Telephone Company records as to the Wilcox and Up-Look telephones are available currently only for a period ending in mid-January 1970, and as to the Lawson telephone for a period ending in early February 1970. Since the information provided by reliable confidential informants, as corroborated, relates to a period including that for which telephone records are available, but extending further until the present, your affiant believes that the pattern of conduct demonstrated by the telephone company records has extended up until the present, and is currently in operation, notwithstanding the unavailability of current telephone company records.

REASONS FOR NECESSITY OF ELECTRONIC SURVEILLANCE

All normal investigative techniques attempted thus far have not established and appear unlikely to be successful in obtaining

sufficient evidence to establish a narcotic conspiracy violation against the suspects in this investigation, for the following reasons:

1. Two of the informants referred to herein (Confidential Informants A and B) are absolutely unwilling to testify in court, even if granted immunity. Even if they were willing to testify, they cannot at this time provide admissible evidence relative to the activities of Lawson and other persons involved in this investigation.

2. Contacts with reliable informants and other sources of information have failed in attempts to effect an undercover penetration directed at Lawson and his associates. These contacts have included liaison with the Philadelphia Police Narcotic Unit and other enforcement agencies in attempts to utilize informants available to them. Although some of the informants have not been questioned directly concerning Lawson, they have been asked about narcotic activity in the West Philadelphia area where Lawson formerly resided and is now apparently active.

3. Although considerable investigative activities, including surveillance, have been conducted in this case to date, and have successfully confirmed information furnished by informants, as well as establishing a relationship between individuals, these activities are not conducive to securing the necessary evidence to prove this suspected narcotics conspiracy violation, since the precise nature and particulars of the illegal narcotics transactions which we have probable cause to believe are regularly occurring can be ascertained and presented as evidence only by the monitoring and reproduction of the telephonic communications by which these narcotics transactions are primarily conducted.

4. The investigation has not produced any evidence concerning the locations of the narcotics believed to be handled by Lawson, Wilcox and others associated with them. Hence, the use of search warrants is not feasible since we are unable to specify with any degree of certainty the place or places where narcotics may be located at any given time, which information can be obtained only by monitoring the telephonic communications regularly taking place over the Wilcox and Up-Look telephones.

1. I have not, nor has anyone to my knowledge, made any application for authorization to intercept wire or oral communication from any of the above-described telephone facilities or premises included in this investigation, except that application is being made contemporaneously before the United States District Court for the Eastern District of Pennsylvania for a similar order relating to the Up-Look telephone located within that jurisdiction.

2. I have probable cause to believe that Eugene Lawson, Bernice Wilson and other persons, known and unknown, are now engaged in a conspiracy involving transportation, concealment, buying and selling of narcotics at the premises cited in this affidavit. I have further probable cause to believe that the above offenses are now being committed and that communications concerning the offenses are being and will be made over telephone facilities as enumerated in this affidavit.

3. In my judgment, based on analysis of toll calls, telephone facilities now installed in the Up-Look Record premises, 651 South 22nd Street, Philadelphia, Pennsylvania, bearing telephone number 215-747-8140, within the Eastern District of Pennsylvania, and in the Eugene Lawson premises, 15 Yale Road, Atco, New Jersey, bearing telephone number 609-767-6921, within the District of New Jersey, are being most frequently used in the commission and continuance of the above offenses, and that they are therefore the most advantageous facilities from which to gather evidence concerning these offenses.

/s/ William J. Collins
WILLIAM J. COLLINS
Special Agent
Bureau of Narcotics and Dangerous Drugs
U. S. Department of Justice

Sworn and subscribed to before me
this 31st day of March,
1970, at Camden, N.J.

/s/ Mitchell A. Cohen

COPY RECEIVED
PAUL J. CURRAN
APR 3 1975
U. S. ATTORNEY
SO. DIST. OF N. Y.